

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Earl Thurston,

Civil No. 11-144 (DWF/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Warden B.R. Jett, Captain White,
Lieutenant Hansen, Lieutenant Naugle,
S.I.A. Miller, and D.H.O. B. Auterson,

Defendants.

Earl Thurston, *Pro Se*, Plaintiff.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated March 21, 2011. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed *in forma pauperis*, (Doc. No. [2]), is **DENIED**.

2. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the sum of \$323.00, in accordance with 28 U.S.C. § 1915(b)(2).
4. The dismissal of this action is counted as a “strike” against Plaintiff for purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 5, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge